

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KAMIKA DASH,

Plaintiff,

-v-

HIGHLAND HOSPITAL,

Defendant.

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U.S. DISTRICT COURT  
W.D.N.Y. - BUFFALO

**DECISION AND ORDER**  
**07-CV-6468L**

Plaintiff has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has met the statutory requirements. Accordingly, plaintiff's request to proceed as a poor person is hereby granted.

In addition, plaintiff's complaint has been reviewed by the Court with respect to the 28 U.S.C. § 1915(e)(2) criteria. The complaint is sufficient to survive this initial review. Because plaintiff will be proceeding *in forma pauperis*, service by the U. S. Marshal is directed.

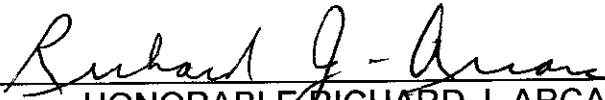
Additionally, plaintiff has requested assignment of counsel. There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's motion for appointment of counsel is denied without prejudice at this time. It is the plaintiff's

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responsibility to retain an attorney or press forward with this lawsuit *pro se*. 28  
U.S.C. § 1654.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendant without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

IT IS SO ORDERED.

  
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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

Dated: Oct. 1, 2007